

REMARKS

Applicants respectfully request the Examiner to reconsider the present application in view of the following remarks.

Status of the Claims

Upon entry of the present amendment, claims 6-12 will be pending in the present application. Claim 12 has been added. Support for new claim 12 can be found in the present specification, *inter alia*, at page 17, lines 6-16 as well as Examples 1-3. No new matter has been added. Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of Applicants' remarks below, Applicants respectfully submit that claims 6-12 are in condition for allowance. Accordingly, Applicants respectfully request that the present Response be considered and entered, the rejections to the claims be withdrawn, and that the case now be passed to issue.

Issues under 35 U.S.C. § 103(a)

Claims 6-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kajiware et al. '431 (US 2002/0111431). Applicants respectfully traverse the rejection. Reconsideration and withdrawal of the outstanding rejection are respectfully requested based on the following remarks.

Kajiware et al. '431 disclose a copolymer latex produced by using a seed polymer. The amount of the monomer used for the production of the seed polymer is 0.5 to 10 parts by weight relative to 100 parts by weight of the monomer used for production of the copolymer latex. In other words, the amount of the monomer used for seed polymer production (amount of the monomer used for the seed polymer / total amount of the monomer used for the copolymer latex \times 100) is at most about 9.1 parts by weight. Further, the copolymer is produced by the process of placing the monomer used for the polymerization of the seed polymer into a polymerization reaction container, initiating the polymerization reaction, and after the production of seed polymer, adding the monomer used for latex production (paragraph [0065]). Accordingly, the

amount of monomer used in initiating the first copolymerization reaction would be at most about 9.1 parts by weight in Kajiwara et al. '431.

Moreover, the object of Kajiwara et al. '431 is to improve polymerization stability and to control the particle diameter of the resulting latex (paragraph [0073]).

In stark contrast, claim 6 of the present application recites that the amount of monomer used in initiating the first copolymerization reaction is at least 43 parts by weight. This is a very different range compared to the amount of monomer used for the seed polymer production of Kajiwara et al. '431.

The amount of monomer used in the claimed first copolymerization reaction being at least 43 parts by weight is apparent from the recitations in claim 6. Specifically, claim 6 recites that the following are used as the respective monomers in process I of the present invention: (i) at least 80% by weight of the 45 parts by weight of conjugated diene monomer; (ii) at least 50% by weight of the 10 parts by weight of ethylenic unsaturated nitrile monomer; (iii) and at least 40% by weight of the 5 parts by weight of ethylenic unsaturated acid monomer. Accordingly, this calculation results in the amount of monomer used in the claimed first polymerization reaction being at least 43 parts by weight.

Further, by setting the respective monomers used in the first polymerization to the above-mentioned ranges, the present invention provides advantageous effects of good resistance to organic solvents, good feeling, sufficient tensile strength, and high contact-state-sustaining performance. The present invention has totally different effects from the object of using a seed polymer in Kajiwara et al. '431. Therefore, Kajiwara et al. '431 provide no reason, rationale, or motivation to set the amount of monomer used in initiating the first copolymerization reaction to the same range as the present invention.

To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be disclosed by the prior art or known in the art. As discussed above, Kajiwara et al. '431 fail to disclose all the claim limitations of independent claim 6, and those claims dependent thereon. Therefore, a *prima facie* case of obviousness has not been established, and withdrawal of the outstanding rejection is respectfully requested.

For the reasons given above, Kajiwara et al. '431 do not render the present invention obvious because the cited reference or the art as a whole does not disclose at least one feature of the present invention and its effects. Furthermore, the cited reference or the knowledge in the art provides no reason or rationale that would allow one of ordinary skill in the art to arrive at the present invention as claimed. Any contentions of the USPTO to the contrary must be reconsidered at present.

Newly Proposed Claim 12

Applicants have newly proposed claim 12 in an effort to further define the scope of protection owed to Applicants. Applicants respectfully submit that claim 12 is allowable for the reasons given above.

In addition, new claim 12 recites that "a content of methyl ethyl ketone-insoluble components is 75 to 95% by weight." In stark contrast, Kajiwara et al. '431 disclose a content of 10 to 70% by weight (paragraph [0075]). Further, Kajiwara et al. '431 teach, "If the gel content is too high, the molded product becomes too stiff and the feeling to the skin is deteriorated" (paragraph [0075]). Thus, Kajiwara et al. '431 would actually teach away from the present invention as recited in claim 12.

In view of the above, Applicants respectfully assert that claim 12 clearly defines over the prior art of record, and an early action to this effect is earnestly solicited.

CONCLUSION

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad M. Rink (Reg. No. 58,258) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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